

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**OPTIS WIRELESS TECH., LLC, ET AL.,**

**Plaintiffs,**

**v.**

**HUAWEI TECHS. CO. LTD., ET AL.,**

**Defendants.**

**CIVIL ACTION NO.**

**2:17-cv-123-JRG-RSP**

**JURY TRIAL REQUESTED**

**PLAINTIFFS' STATUS REPORT REGARDING  
EMERGENCY MOTION FOR ANTISUIT INJUNCTION**

On October 17, 2017, the Court held a hearing on Plaintiffs' Emergency Motion for Antisuit Injunction (Dkt. No. 76). As instructed by the Court, the parties met and conferred regarding injunctive language acceptable to Huawei in view of its representations that it did not intend to seek an injunction in the Chinese court that would interfere with these proceedings. The following is PanOptis' report on the meet and confer.

The parties were unable to agree on injunctive language. Counsel for Huawei asserted that Huawei's proposed addition of a parenthetical to the prayer for relief of one of the Chinese complaints should be sufficient to moot PanOptis' request for any injunctive relief. PanOptis notes several deficiencies in Huawei's proposed language:

- At the meet and confer, Huawei conceded that the Chinese court may grant injunctive relief despite the limitation in the language of Huawei's prayer for relief.
- The amendment to the prayer for relief does not preclude Huawei from filing a motion for injunctive relief against PanOptis in the Chinese court. At the meet and confer, counsel declined to unequivocally commit that Huawei would not file such a motion.

- Huawei would not be precluded from filing further Chinese actions seeking to enjoin PanOptis.
- Huawei's proposal does not preclude it from pursuing claims in China that would interfere with this case.

Accordingly, PanOptis' Emergency Motion for Antisuit Injunction (Dkt. No. 77) is not moot, and PanOptis respectfully requests the Court grant PanOptis the relief sought therein.

Dated: October 24, 2017

Respectfully submitted,

/s/ Kevin L. Burgess

Kevin L. Burgess – Lead Counsel  
Texas State Bar No. 24006927  
kburgess@McKoolSmith.com  
Steve J. Pollinger  
Texas State Bar No. 24011919  
spollinger@McKoolSmith.com  
Scott L. Cole  
Texas State Bar No. 00790481  
scole@McKoolSmith.com  
Kevin P. Hess  
Texas State Bar No. 24087717  
khess@McKoolSmith.com  
Christine M. Woodin  
Texas State Bar No. 24100051  
cwoodin@McKoolSmith.com  
**McKool Smith, P.C.**  
300 W. 6th Street, Suite 1700  
Austin, TX 78701  
Telephone: (512) 692-8700  
Telecopier: (512) 692-8744

Samuel F. Baxter  
Texas State Bar No. 1938000  
sbaxter@McKoolSmith.com  
Jennifer Truelove  
Texas State Bar No. 24012906  
jtruelove@McKoolSmith.com  
**McKool Smith, P.C.**  
104 E. Houston Street, Suite 300  
Marshall, TX 75670  
Telephone: (903) 923-9000  
Telecopier: (903) 923-9099

Theodore Stevenson, III  
Texas State Bar No. 19196650  
tstevenson@mckoolsmith.com  
Erik B. Fountain  
Texas State Bar No. 24097701  
efountain@mckoolsmith.com  
Jonathan Powers  
Texas State Bar No. 24098277  
jpowers@mckoolsmith.com  
Marcus L. Rabinowitz  
Texas State Bar No. 24098293  
mrabinowitz@McKoolSmith.com  
**McKool Smith, P.C.**  
300 Crescent Court, Suite 1500  
Dallas, TX 75201  
Telephone: (214) 978-4000  
Telecopier: (214) 978-4044

Eric S. Tautfest  
Texas Bar No. 24028534  
etautfest@grayreed.com  
Jared Hoggan  
Texas Bar No. 24065435  
jhoggan@grayreed.com  
David T. DeZern  
Texas Bar No. 24059677  
ddezern@grayreed.com  
M. Jill Bindler  
Texas Bar No. 02319600  
jbindler@grayreed.com  
**GRAY REED & MCGRAW, LLP**  
1601 Elm Street, Suite 4600  
Dallas, Texas 75201  
Telephone: (214) 954-4135  
Facsimile: (469) 320-6901

**ATTORNEYS FOR PLAINTIFFS  
OPTIS WIRELESS TECHNOLOGY,  
LLC, PANOPTIS PATENT  
MANAGEMENT, LLC, AND OPTIS  
CELLULAR TECHNOLOGY, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system on October 24, 2017.

/s/ Kevin L. Burgess  
Kevin L. Burgess